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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL JEROME MITCHELL,

Plaintiff,

No. CIV S-08-1658 JAM DAD P

vs.

SNOWDEN, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for an extension of time to conduct discovery.

On October 6, 2011, the court issued an order extending the deadline for discovery and dispositive motions in this action because both parties had demonstrated good cause to modify the original scheduling order. Specifically, defendants informed the court that they had been unable to depose plaintiff because his psychiatric condition had deteriorated and he was being held in an inpatient mental health unit where he was without access to his legal and personal property. In addition, plaintiff informed the court that he was unable to complete discovery in the four months allotted for that phase of the litigation in the original scheduling order due to his inpatient hospitalization.

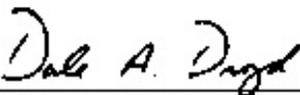
1 In plaintiff's most recently filed motion for an extension of time to conduct  
2 discovery, plaintiff explains that he still has not received access to his legal and personal property  
3 and is unable to meet the new discovery deadline established by the court. At this time the court  
4 will not rule on plaintiff's motion for an extension of time and instead will order defense counsel  
5 to file a response to plaintiff's motion. In any response to plaintiff's motion, defense counsel is  
6 directed to inform the court as to the status of plaintiff's legal and personal property.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Within thirty days of the date of service of this order defense counsel shall file  
9 a response to plaintiff's motion for an extension of time to conduct discovery; and

10 2. In any response to plaintiff's motion for an extension of time, defense counsel  
11 is directed to inform the court as to the status of plaintiff's legal and personal property.

12 DATED: November 22, 2011.

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16 DALE A. DROZD  
17 UNITED STATES MAGISTRATE JUDGE

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